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### YOU DON'T SAY...

"In hindsight, we should have had more structure in the process."

*Gov. Roy Cooper, on the establishment of the Atlantic Coast Pipeline mitigation fund.*

WRAL NEWS, 3/04/18

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## News Summary

### Pipeline Fund

Over six weeks of negotiation, a deal to bring \$57.8 million to North Carolina as part of the Atlantic Coast Pipeline project morphed from an agreement between the pipeline partnership and the state to a deal between the partnership and Gov. Roy Cooper. Draft versions of the memorandum of understanding laying out terms for the mitigation fund show changes handwritten in the margins by William McKinney, Cooper's in-house attorney, as the deal was worked up in December and January. Instead of the money flowing to the state, it would go into an escrow fund designated by the governor. Repeated references to "the state of North Carolina" were edited to "the governor of the state of North Carolina."

The reason? Cooper and his administration don't trust the Republican-controlled General Assembly. The feeling is mutual. After the fund was announced, the Republican majority moved quickly to pass

legislation rerouting the promised money to schools along the pipeline route instead of leaving it to Cooper and a still-unwritten executive order contemplated in the memorandum to lay out rules for doling out the money. Republican leaders called the administration's agreement "a slush fund" created outside the treasury to circumvent their power of the purse.

"I think that their subsequent actions bore out why we didn't want to involve the legislature," said Ken Eudy, Cooper's senior adviser and the administration's point man for talks with Duke Energy and other companies partnering on the pipeline.

Cooper has since said he never intended to decide how the fund would be spent and that his executive order would have given authority to a board made up at least partly by experts. Much of the money would have been used to help companies and farmers in eastern North Carolina hook into distribution lines tied back to the pipeline, covering the cost of expensive last-mile infrastructure that has to be built before gas can flow, the administration has said.

Some of the money would have been used for environmental mitigation along the route and for renewable energy projects nearby. The administration hoped these inclusions would help assuage environmentalists opposed to the pipeline, but it was the economic development aspect that highly connected leaders in eastern North Carolina discussed with Duke for months before the administration hammered out the fund's basics. Eudy said last week that the administration team "had it in our heads" how the fund would actually work. But officials didn't put the board of experts, or other details, in writing. Their pitch boiled down to "trust us" as Republicans pointed to a memorandum of understanding giving the governor total control of the fund.

That the mitigation fund was announced the same day as a key state permit approval for the project also raised questions of a quid pro quo, which Cooper and his team have repeatedly denied. "Clearly, we were going to put that structure in place when the fund arrived, but remember, we're talking about a fund that hasn't even been funded yet," Cooper said last week.

Eudy sat with WRAL News last week to answer questions about how the fund was negotiated, questions the administration has declined in some cases to answer for GOP legislators who have used the fund as a political battering ram against the Democratic governor. The Cooper administration also provided WRAL News with early drafts of the memorandum of understanding creating the fund, something GOP leaders asked for in two separate letters but have not received. Republican leaders have hinted they may eventually subpoena administration officials to testify about the pipeline fund.

"We think the next step should involve Gov. Cooper being transparent," Shelley Carver, spokeswoman for Senate President Pro Tem Phil Berger, said in an email Friday. "But if he continues to refuse, our members take their oversight responsibility seriously and are evaluating appropriate next steps to obtain this information."

The Governor's Office has cast GOP questioning as an effort to score cheap political points. "It is really rich to be lectured about transparency by Phil Berger," Eudy said.

Representatives from Duke and Dominion Energy, key players on the pipeline, visited Cooper soon after his inauguration, according to Eudy. Later, they asked the governor to sign a letter of support to the Federal Energy Regulatory Commission, which holds ultimate approval authority on the pipeline project, which runs 600 miles from West Virginia to southeastern North Carolina. Cooper resisted, Eudy said, noting the governor had his own letter drafted instead, but it was never sent because he wasn't fully comfortable with it.

Durwood Stephenson, a developer and a former member of the North Carolina Board of Transportation, said he couldn't predict for much of 2017 whether Cooper would back the project or not. The pipeline promised jobs for eastern North Carolina, though, something that may have tugged at the governor's Nash County roots. "He told me repeatedly, 'We're looking at it, and I know that it's something eastern North Carolina needs,'" Stephenson said. Stephenson, Norris Tolson and Larry

Wooten, the president of the North Carolina Farm Bureau, had been talking to Duke's North Carolina president, David Fountain, about the pipeline for months.

Stephenson is now director of the U.S. 70 Corridor Commission. Tolson, a former legislator who headed three separate cabinet departments under former Govs. Jim Hunt and Mike Easley is president and chief executive of the Carolinas Gateway Partnership, an economic development organization that covers Nash and Edgecombe counties. Both men had heard from companies unwilling to consider eastern North Carolina manufacturing sites without easy access to natural gas, and the Atlantic Coast Pipeline planned only three taps along the project's 200-mile route through the state. It could cost millions to run lines to potential industrial sites, where natural gas is not only used for energy but also as a feedstock for products such as fertilizer and plastics.

Likewise, farmers use gas for heat, to cure tobacco and sweet potatoes and to keep pigs, chickens and greenhouses warm. Without natural gas, farmers turn to more expensive propane, putting operations without access to the pipeline at a disadvantage, Wooten said. Cooper's Department of Commerce was focused on the same issue, reaching out to the pipeline companies for assurances that businesses near the route could access the gas, according to emails released through a public records request and detailed in January by the Triangle Business Journal.

North Carolinians were seeing pipeline commercials touting the promises that the project would bring new jobs to eastern North Carolina, but Cooper and others close to him "were just increasingly skeptical" of the claims, Eudy said. The pipeline folks had asked Stephenson, Tolson and Wooten for support, and they got it. But the trio wanted millions to help small and medium-sized businesses access the gas. Stephenson said the ask was \$100 million. Fountain eventually agreed to something in the ballpark of \$50 million to \$60 million, he said.

It was the Governor's Office that hammered out details, though, Wooten said. "I knew they were talking," Wooten said last week. "Didn't have any idea who was going to control (the fund)."

Stephenson said he and Tolson eventually met with Secretary of Environmental Quality Michael Regan, whose department was in the midst of the environmental reviews that would eventually lead to approved permits for the project. "Know you've got to do your homework," Stephenson said he told Regan. "But this is something we really need."

Cooper met one-on-one after Thanksgiving with Lynn Good, Duke's chairman, president and chief executive officer, Eudy said. Duke, Dominion, Southern Company and Piedmont Natural Gas are the four energy companies partnering on the line. Cooper shared his concerns over the reality of job promises versus the rosy pictures painted in the pro-pipeline commercials, Eudy said. He also pushed for more solar power development, part of a campaign promise to boost the state's renewable energy base, and for movement in negotiations the administration brokered between Duke and the solar industry over House Bill 589. The legislation was supposed to boost solar power in North Carolina, but it hadn't been fully implemented due to a dispute over the terms Duke was required to abide by in tying various solar projects into its electrical grid.

Throughout the meeting with Good, Eudy said, Cooper stressed that DEQ would decide the pipeline permit and that, other than updates on the process, he was "not enmeshed in the weeds of this permitting process."

By mid-December, DEQ's review was wrapping up, and it had become clear the department would likely issue the needed permit, Eudy said. He recalled Regan saying that, if the consortium answered the department's final questions to satisfaction, there would be "no choice" under the law but to give approval.

The memorandum itself started to come together in early December when Eudy and Kathy Hawkins, a Duke lobbyist and executive, met to discuss options for funding gas hookups. Hawkins delivered a draft memorandum that Eudy said was based on an agreement being negotiated with Virginia, which



the pipeline will also traverse. The payout would be \$55 million. That agreement is with the Commonwealth of Virginia, and it lays out more details about how the money will be spent than North Carolina's memorandum. Then Virginia Secretary of Natural Resources Molly Ward signed that agreement in late December.

North Carolina's draft was marked up by McKinney, retyped and sent back to pipeline officials. Among the early changes:

- The agreement would be with "the state of North Carolina by and through the office of the governor" instead of just with the state.
- Instead of a \$55 million payment due before the pipeline goes into service, half the money would be paid as soon as the Federal Energy Regulatory Commission issued a final notice to proceed on the project; the other half would be due no later than when the pipeline goes into service.
- The money would still go "to the state of North Carolina," but the Governor's Office added language allowing him to designate an account outside the state treasury to hold the money. Language was also added making clear that a future executive order would determine how the money was allocated.
- New language making it clear that the agreement wouldn't stop the state from suing the pipeline over spills and leaks.
- McKinney's name was added at the bottom of the memo, making it clear that he would sign off on the agreement for the state.
- The pipeline partnership quickly agreed to these changes, returning the edited memorandum to the Governor's Office already signed by Leslie Hartz, vice president for pipeline construction at Dominion, and dated Dec. 29. Cooper said last week that the decision to leave the details up to a future executive order was "made collectively."

Several other changes would be made between then and the final signings, dated Jan. 25. When Virginia's agreement became public, it was for \$57.85 million. Cooper's office asked for a boost to North Carolina's fund and got it, to \$57.8 million. The administration also went back and forth on other tweaks intended to make clear that the agreement would be with the Governor's Office and not the state at large. The "by and through the office of the governor" language at the top of the agreement was changed to "by and between Roy Cooper, governor of North Carolina in his official capacity."

Eventually, language stating that the money would be provided "to the state of North Carolina" was simply dropped, leaving a reference to the escrow fund in place. DEQ would later set Jan. 26 as the day to announce the permit. Cooper met two days earlier with environmental groups that he knew would be upset, and he wanted to have the mitigation fund to point to, as well as a deal on House Bill 589's solar energy components, Eudy said. The mitigation agreement wouldn't just be for economic development, with the memorandum promising some money for environmental mitigation and to fund renewable energy projects along the pipeline route. Duke announced an agreement on House Bill 589 shortly after the pipeline permit was official. The Cooper administration announced the mitigation fund on the same day DEQ announced the permit.

The legislature voted to take any money that flows into the mitigation fund and split it up among school systems in the eight North Carolina counties along the pipeline route instead of spending it as Cooper envisioned. Legislation can be undone by legislation, so this could still change. Berger didn't shut the door on that possibility during a recent press conference about the fund, and Stephenson said he's talked to "an awful lot of General Assembly members from the east" who share his concerns about access to the gas.

Stephenson said he and Tolson will deliver a potential plan to legislators this week. There's been a lot of discussion of a revolving fund, with a board deciding on projects, similar to the state's Clean Water Management Trust Fund, Stephenson said. It's possible half of the pipeline fund could go to schools and half to the revolving fund, but that won't be enough, he said. "We're asking (the legislature) to



put up the balance," he said.

Left unsaid by the administration, at least publicly: Changing where the money goes could change whether Duke and other energy companies involved in the pipeline can raise customer rates to recover this \$57.8 million. Regulated utilities can recover reasonable construction costs with approval by the North Carolina Utilities Commission. FERC also has say over this issue when it comes to the pipeline project.

In North Carolina, costs can be passed along to customers if the appointed commission decides they're reasonable and necessary for service. Would a payment to schools qualify? WRAL News consulted several experts, including the head of the state's Public Staff, an organization that argues on behalf of ratepayers when Duke goes before the Utilities Commission seeking rate increases. "Unfortunately, I don't really have a good answer for you," Public Staff Executive Director Chris Ayers said. "There's too many unknowns." Spokespeople for Duke and Dominion declined to answer the question, saying only "the state determines how to administer those funds." They've stopped short of promising that the money will flow if it's spent on schools instead of on the sort of projects described in the memorandum. Eudy said the administration hasn't discussed this issue with the pipeline partnership since the legislature moved the money. "I think that's the legislature's problem," he said. (Travis Fain, WRAL NEWS, 3/04/18)

## **UNC Health Merger**

In a blockbuster announcement, Atrium Health said Friday it has ended discussions with UNC Health Care to form a joint operating company, citing an inability to reach an agreement to form a mega-system. Charlotte-based Atrium, formerly known as Carolinas HealthCare System, told Chapel Hill-based UNC of the decision in a letter Friday. The announcement comes after months of negotiations became snagged on who would control the combined company that would have had some 60 hospitals and 90,000 employees.

"We have remained steadfast in our belief that together we would be uniquely positioned to transform healthcare -- by significantly enhancing the academic mission, creating an organization that will serve more people in better ways, and enhancing our ability to address our state's most pressing issues including rural care, behavioral health and affordability," Atrium CEO Gene Woods and Atrium Board of Commissioners Chair Edward Brown said in the letter. "It is clear, however, that we have not been able to reach agreement as to the best structure and approach to support our mutual ambitions," they wrote.

In a statement, UNC Health said that the two hospital systems "have determined that we cannot satisfy our mutual organizational goals through a proposed partnership and joint operating company." Though the systems won't be forming a joint operating company, the two will continue to partner on issues such as improving rural health care and expanding medical education, the statement added. In announcing the deal in August, the two nonprofits touted benefits from their combination, such as improved access to care in rural areas and a boost for the state's economy.

Plans were for Woods to become chief executive of the new entity, while UNC Health CEO William Roper would chair a new board overseeing the combined system. The systems initially expected to finalize a deal in late December, but as talks dragged into March it became increasingly clear the situation was rocky. Last month, Roper said that after his term as chair on the new company's board was up, Atrium's board chairman would then take a turn, with terms rotating between Atrium and UNC. But the length of the terms hadn't been decided, Roper said, among other issues that were still unresolved.

In the middle of the talks, Atrium announced last month plans to combine with Navicent. Atrium said Friday's announcement has not changed its plans with Navicent. A UNC Board of Governors committee formed to review the proposal had expressed frustration in recent weeks over the lack of information from Roper on the negotiations. The Board of Governors, via state law, has oversight of UNC Health Care, which is governed as an affiliate of the UNC system. Leo Daughtry, a member of

the special committee, said Friday that Roper didn't offer any indication that anything was amiss Thursday afternoon when he presented an update to the committee. Daughtry said the issue always came down to "who would control the checkbook."

Atrium, being the larger organization, was reluctant to cede control, he said. Meanwhile, UNC wanted to maintain its statutory commitment to initiatives that don't necessarily turn a profit, such as teaching and research. "If the people of North Carolina wanted to spend money on rural health care, that may not be very profitable, but it may be our duty," Daughtry said.

Roper said Atrium wanted to maintain control because it's the bigger organization and would have constituted two-thirds of the joint operating company in terms of revenue. Atrium acknowledged UNC's contributions to the partnership, but the two sides could not get over the economic disparity, Roper said.

"We wanted to make sure that we protected the things that are fundamental to our mission, our service to the state and our relationship to the university and our ability to do what we do so well," Roper said, "They respected those things but wanted to have a majority control of the operation."

Roper said he and Woods talked almost daily and spoke again Friday morning. But on Friday afternoon, Woods called to say Atrium had decided the deal wasn't going to work -- "and honestly we had, too," Roper said. As for UNC's future, Roper said it will continue expanding and looking for opportunities to form partnerships: "A partnership is an especially attractive way to enhance what we do."

N.C. Treasurer Dale Folwell, whose office oversees the State Health Plan, had also expressed concerns about the deal and what he called a lack of details. Folwell has said the health plan is the single largest customer of UNC Health, giving rise to his worries about possibly higher health care prices. "This just didn't seem like a marriage that the taxpayers of North Carolina should get involved in," Folwell said. "No one that I know, A, has ever been able to get their questions answered and, B, there's no one who's even attempting to prove that this was going to lower health care costs for the people of North Carolina." (Deon Roberts, THE CHARLOTTE OBSERVER, and John Murawski, THE NEWS & OBSERVER, 3/02/18)

## **Resignation Calls**

A North Carolina legislator who faces allegations of sexual misconduct defended himself in an interview with a News & Observer opinion writer, who posted a column Friday. Gov. Roy Cooper and Democratic party leaders called on state Rep. Duane Hall, D-Wake, to resign on Wednesday after NC Policy Watch, a news organization that is part of the liberal advocacy group the NC Justice Center, published a story in which five people -- some of them anonymous -- accused Hall of inappropriate conduct.

Policy Watch published a second story on Thursday in which two more people came forward with similar accusations. At the heart of the story are allegations that Hall kissed a party official without her consent at a Democratic function in summer 2016 and kissed another woman at an Equality North Carolina event the same year. Hall, 51, admitted to N&O columnist Ned Barnett that he inappropriately kissed the party official. But he denied the other allegations and challenged the notion that he harassed anyone. "I think harassment is when they say no and you continue," Hall said.

"I just know I didn't harass anybody and I can't leave and let that be the last word because it's an admission of guilt," Hall said. He added, "I would like to fight. I don't know if I can win, but you have to try." Hall didn't explicitly say if he will or won't resign. It's unclear whether Hall will seek re-election. He didn't respond to calls or texts from a reporter Friday.

The column quotes Democrats -- some named, some unnamed -- defending him.

The state Democratic Party, state House minority leader Darren Jackson, state Rep. Cynthia Ball, state Rep. Grier Martin and state Rep. Bobbie Richardson, among others, have called on Hall to resign.

Reacting to Barnett's column Friday, state Sen. Jay Chaudhuri, D-Wake, joined the group of Democratic legislators calling on Hall to resign. "My hope is that Rep. Hall will step down and use his time away from the General Assembly to self-reflect upon his actions, esp. from these women's perspectives, and learn from his inappropriate behavior," Chaudhuri tweeted. (Paul A. Specht, THE NEWS & OBSERVER, 3/02/18)

## **Confirmation Law**

The constitutionality of another law that gave more power to the North Carolina General Assembly at the expense of Gov. Roy Cooper will be settled at the state Supreme Court. Justices said Friday they will take up the case of whether the Senate could subject Cooper's appointed Cabinet members to confirmation based on a December 2016 law. Cooper's nominations were confirmed in 2017.

Cooper sued over the law and others approved by Republican legislators just before he took office. He says confirmation votes violate the separation of powers between the executive and legislative branches. But Republican lawmakers say the state constitution gives the Senate clear authority to review a governor's Cabinet choices. A state Court of Appeals panel agreed last November. At the time, Cooper said he would appeal further. (THE ASSOCIATED PRESS, 3/02/18)

## **Teacher Salaries**

The average salary for a North Carolina has increased to more than \$50,000 a year for the first time. Recently released figures from the state Department of Public Instruction put the average salary for a North Carolina public school teacher at \$51,214 this school year. That's \$1,245 more than the previous school year.

The \$50,000 benchmark has been a major symbolic milestone, with Republican candidates having campaigned in 2016 about how that figure had already been reached. Democrats argued that the \$50,000 mark hadn't been reached yet and that Republicans hadn't done enough, especially for highly experienced teachers. The average teacher salary has risen 12 percent over the past five years, from \$45,737 a year. Since taking control of the state legislature in 2011, Republicans raised the starting base salary for new teachers to \$35,000 and gave raises to other teachers.

The National Education Association has not released this year's annual report on teacher pay, but last school year the national average salary was \$58,950. According to DPI, North Carolina ranks fifth in the Southeast in average teacher compensation, with Georgia being the highest at \$54,602. The recent pay increases helped improve the state's ranking on average teacher pay to 35th in the nation in last year's NEA report. The state had fallen to 45th in 2011 after the recession froze pay increases.

The state can't take complete credit for teachers eclipsing the \$50,000 mark because many school districts supplement the state base salary. This year, the average local supplement was \$4,337. Teacher raises are likely to again be a hot issue this year with control of the General Assembly at stake in the fall elections. Republican lawmakers say their goal is to raise average teacher salaries to \$55,000 a year by 2020. (T. Keung Hui, THE NEWS & OBSERVER, 3/02/18)

## **Legislative Candidates**

There will be a Democratic primary for the newly drawn Senate District 1. Washington County Commissioner D. Cole Phelps, 29, filed for the seat on Wednesday, the last day of filing. Phelps' entry into the race follows the filing of Hertford County businessman Richard "Steve" James on Tuesday. Phelps could not immediately be reached for comment Thursday but gave several statements in a press release issued by the N.C. Senate Democratic Caucus.

"I am honored to announce my candidacy for the North Carolina Senate," Phelps states in the



release. "Too often, North Carolinians east of I-95 are forgotten. Northeastern North Carolina deserves a representative who is familiar with the needs of our community and will fight for them." Phelps' candidacy is inconsistent with a statement he gave on Nov. 8 in which he withdrew his interest in running for the seat in newly drawn House District 1. In the N.C. Senate Democratic Caucus press release, Phelps states he "believes the General Assembly has failed to do enough for northeastern North Carolina," and, if elected, plans to fight for economic development, small business owners, infrastructure and education. (THE (Elizabeth City) DAILY ADVANCE, 3/02/18)

## **Metals Tariffs**

President Donald Trump's proposed tariffs on imports of steel and aluminum could take a toll on North Carolina's economy, both in higher costs for consumer goods and in potential losses in state exports to affected countries. Trump announced Thursday he would call for a 25 percent tariff on imported steel and 10 percent on imported aluminum. That move was championed by the U.S. steel industry, which accuses China and other countries of dumping cheap steel into U.S. markets for years in violation of world trade regulations.

The United States imports about half of the aluminum it uses for everything from cars to jets to soda cans. About one-quarter of the steel used in the U.S. comes from foreign sources. The tariffs will raise the prices of imports of both metals, allowing domestic producers to raise their prices as well. Supporters say the move could help revive the moribund U.S. aluminum industry. But it's also likely to result in higher consumer costs for a long list of products, from housing to appliances to canned food. It's also likely to increase production costs for aerospace products, one of North Carolina's top exports.

Still, the higher cost of metals is only one potential impact on North Carolina's economy. A second, potentially more serious, impact is loss of foreign trade. Economic experts say countries hit by the proposed tariffs, including China, the European Union and Canada, are likely to respond with retaliatory tariffs on U.S. exports. In 2014, the last year a comprehensive state report was published, North Carolina exported \$31.2 billion in goods, led by chemicals and pharmaceuticals, machinery, transportation and aerospace equipment, technology components like semiconductors and agricultural products.

Canada is the top market for North Carolina's international exports overall, Mexico is second and China ranks third. The three countries combined bought 40 percent of North Carolina's exports in 2014. All three would be hit by the proposed metals tariffs. While retaliatory actions could target any of North Carolina's major exports, agricultural products are frequently singled out in trade disputes. According to the U.S. Department of Agriculture, North Carolina's top three agricultural exports by value are pork, poultry and tobacco.

North Carolina pork exports account for \$600 million in trade every year, according to the North Carolina Pork Council, and China is the second largest importer. Executive Director Andy Curliss said the group is carefully monitoring developments in Washington. "North Carolina pork producers continue to express a desire for caution by our government on trade and that governmental actions cause no harm to agriculture or pork production," Curliss said. "We remain very, very concerned about the retaliatory and unintended impacts on our ability to trade our products with established partners. After all, government doesn't trade. Businesses do."

North Carolina's poultry and tobacco industries could also suffer from retaliatory tariffs. The state was the No. 3 producer of chickens in 2016 and the top producer of tobacco. Mexico is by far the top importer of U.S. poultry, with Canada second. China is the fastest-growing market for North Carolina tobacco exports. The North Carolina Department of Commerce had no one available for comment Friday. (Laura Leslie, WRAL NEWS, 3/02/18)

## **Medicaid Lawsuit**

North Carolina's highest court has decided a lawsuit filed by medical offices that treat state Medicaid patients over a new billing system they say failed to pay them can't go to trial. The medical practices say they weren't getting reimbursed for work when the "NCTracks" system began in mid-2013. They filed a class action lawsuit against the state health agency and system vendor.

But the state Supreme Court ruled Friday the providers hadn't exhausted administrative appeals within state government to get what they believe is due them. The medical offices didn't believe those appeals would do any good, but Justice Barbara Jackson wrote no evidence had been presented backing up that argument. Meanwhile, Jackson says it appears the providers still have time to seek reimbursement through administrative channels years later. (THE ASSOCIATED PRESS, 3/02/18)

## **Legislative Breakfast**

While the North Carolina General Assembly will enter into a shorter session later this spring, the agenda will be packed with important pieces of legislation. Local business and community leaders received updates and heard about governmental goals from State Sen. Chuck Edwards, State Rep. Chuck McGrady and State Rep. Cody Henson at an annual "Legislative Breakfast" at Sierra Nevada Brewery Friday.

Although the legislators did outline specific objectives, McGrady says much is still unknown about the session before it reconvenes May 16. "If anyone said they knew what the next session would be about, they'd be lying," McGrady said, adding that a clearer picture will be available around the end of April. Many priorities pop up unexpectedly, he explained, referencing Florida's General Assembly's sudden re-examination of gun policies after a recent mass shooting at a high school in Parkland.

Predictions McGrady did offer up included judicial redistricting, budget amendments and legislation relating to the alcoholic beverage industry. All three lawmakers spoke about mental health treatment options. The issue crosses all segments of a community, McGrady said, from nonprofits to education and law enforcement. The current model obviously isn't the most effective, McGrady said, and it would be beneficial to see the work coming out of communities as examples, like Henderson County. Every legislator has been approached about the subject of mental health, but McGrady said he's yet to meet one who has the answer.

Henson focused on the issue of funding mental health services and how it relates to providers. Even if every person who needed help received a bed in a care facility, it wouldn't matter if providers weren't available to offer treatment, he explained. Henson looped the issue back into workforce development and the need to train individuals to help address growing mental health issues in the state, as well as the lack of resources to help treat them. Edwards would like to see the term "mental health" abolished altogether, he said, as he feels it is too broad. The overall issue has a mental illness component and a drug and alcohol element. He also doesn't see a single answer to the problem and doesn't know if more funding is the best solution.

Infrastructure is an area where lawmakers are playing catch-up, McGrady said. He can see transportation being one of the main focuses of the longer legislative session in 2019, particularly when it comes to looking at funding revenues like the gas tax. All three lawmakers touched on the tier system and the need to re-evaluate it for several reasons, including education and healthcare. The current system could lump cities like Hendersonville or Brevard in with larger areas like Asheville and Raleigh, which isn't a level playing field. (Rebecca Walter, THE (Hendersonville) TIMES-NEWS, 3/02/18)

## **Apodaca Building**

The Western Carolina University campus looked a bit like Raleigh West on Friday as more than a dozen current and former members of the General Assembly and other state officials were among 200-plus people who gathered for a ceremonial groundbreaking to mark the start of construction on WCU's Tom Apodaca Science Building. The new \$110 million facility, made possible through funding

from the 2016 statewide \$2 billion Connect NC bond referendum, will replace WCU's existing, 1970s-era Natural Sciences Building. Construction on the 182,989-square-foot, six-story structure will begin later this year, followed by completion and occupancy by June 2021.

The WCU Board of Trustees voted in December 2016 to name the building in honor of former N.C. Sen. Thomas M. Apodaca in recognition of his years of service to and support of the Western North Carolina region and the university, including his time as a member of the WCU Board of Trustees and his extensive advocacy for the university. "I'm enormously honored and deeply touched," said Apodaca, a member of the WCU board from 1997 until he was elected to the N.C. Senate in 2002. "This center of science learning is actually a recognition of Western Carolina University's importance. Our region of the state is often forgotten -- but not today. More than anything, my hope is this building will represent opportunity for the future, including my god-daughter, Maloy, and new-born grandson, River."

Senate leader Phil Berger said that ensuring a new science building at WCU was included in the Connect NC bond package is not the only example of Apodaca's support for his university. "Tom understands that college is a significant investment that leads to higher paying jobs, a better-skilled workforce and stronger local economies. He knows that escalating costs and rising student debt are threatening the value of that investment," Berger said. "That's why, as a state senator, he spearheaded the NC Promise program, which guarantees in-state undergraduate students at three public universities across our state -- including Western Carolina University -- pay just \$1,000 in tuition each year." (NEWS RELEASE, 3/02/18)

## **Alcohol Ruling**

The estate of a woman who died after a night of heavy drinking while celebrating with her husband at a hotel restaurant cannot successfully sue the owners because her actions contributed to her death, the North Carolina Supreme Court ruled Friday. In a 4-3 ruling, the justices reversed a state Court of Appeals ruling that found operators of the Crowne Plaza Tennis & Golf Resort in Asheville had violated their duty to stop serving Lisa Mary Davis in October 2012 when she became visibly intoxicated. That court decided that Davis' husband -- the estate's administrator -- could seek monetary damages under a so-called "dram shop" claim.

But the majority of justices agreed the factual allegations in the complaint establish his wife's contributory negligence, which essentially canceled out any liability by the owners and operators of the resort and Milligan's restaurant. "The events leading up to the decedent's death are undeniably tragic," Associate Justice Barbara Jackson wrote for the majority. "However, in this state contributory negligence precludes recovery for a plaintiff when, as here, the complaint alleges facts that demonstrate the plaintiff's decedent exhibited the same level of negligence as the defendant."

Thomas and Lisa Mary Davis had traveled from Charlotte to celebrate their 10th wedding anniversary at the resort. In 4½ hours over dinner at Mulligan's, the couple ordered 24 liquor drinks, of which Lisa Mary Davis consumed at least 10, according to the lawsuit. She fell down in a hallway after leaving the restaurant and was so intoxicated that an employee used a wheelchair to move her to the couple's room, the lawsuit said. The next morning, her husband found her dead on the floor. Acute alcohol poisoning was the cause of death, Friday's decision said.

In the dissenting opinion, Associate Justice Robin Hudson wrote the majority had used the wrong legal standard. A jury should be allowed to determine whether "gross negligence" by the restaurant staff had occurred -- reckless actions that had disregarded her safety, Hudson wrote. If jurors determined that to be true, then Lisa Mary Davis' negligence by drinking may not block damages from being awarded, she wrote. (Gary D. Robertson, THE ASSOCIATED PRESS, 3/02/18)

## **Rural Doctors**

For years, rural hospitals, clinics and towns have been struggling to recruit physicians, and now, that lack of doctors in some of North Carolina's more far-flung burgs is showing. "On almost any



measures when you look at rural health, rural areas are doing poorer," health economist Mark Holmes told lawmakers on the legislative Committee on Access to Rural Healthcare in North Carolina in January.

Holmes, who leads the Sheps Center for Health Services Research at UNC-Chapel Hill, noted that rates of diabetes, opioid use and overdose deaths, heart disease, and other problems are higher in rural areas. And rural people in North Carolina die younger than people in urban areas. For the past three years, life expectancy in rural areas has actually decreased. Recent presentations to lawmakers at the General Assembly have highlighted the holes in the state's health care provider networks. Holmes told lawmakers that 20 counties have relatively few primary care doctors, and three have none. "In Harnett County, there are two practicing OB-GYNs. We just received notice that one of them is going to retire in October," Michael Nagowski, the CEO of the Cape Fear Valley Health System, said during a presentation this week to members of a different committee, which was formed to look at issues of graduate medical education.

Nagowski detailed the needs of just his region: 145 additional family practice doctors, 23 pediatricians, 15 general surgeons, 42 psychiatrists and 33 more OB-GYNs. He described how the emergency department at his hospital in Fayetteville gets more than 130,000 patient visits a year, making it one of the 20 busiest EDs in the country, largely because there are few other places to receive care. "For those of us who have boots on the ground in that region, what we see is the development of a doctor desert," he said.

Holmes pointed out that North Carolina has plenty of doctors, but "they tend to cluster in affluent urban areas." For example, last week, his co-worker Erin Fraher explained to lawmakers the importance of general surgeons, who are lacking in 26 counties. "General surgery and surgery procedures can keep a rural county hospital alive in terms of financial viability," she said. "Often in many rural counties you have internists who can't do scoping or family physicians who can't do C-sections and you need that backup. You've got to have that general surgery backup." She also noted the rural physician workforce is aging, with the average age for non-metropolitan physicians being 52.6 years, compared to urban doctors, who are 48.4 years old on average.

In recent years, North Carolina has put up to \$30 million every year in Medicaid supplemental payments towards paying medical "residents," those doctors who are newly graduated from medical school and receiving hands-on training, usually in hospitals. The federal government kicks in an additional \$60 million annually to match the state Medicaid dollars. Some of the money goes to training people in new residency settings, such as clinics run by the Mountain Area Health Education Center in Asheville or the Southeast AHEC, which places people in rural practices. But the vast majority of residents train in hospitals. And although the state is in desperate need of those generalists a minority of the state's residents decide to become family docs or OB-GYNs.

Fraher and her colleagues at the Sheps Center studied four years' worth of medical residents, from 2008-2011 and tracked their specialties and where they were practicing five years later. Their research showed that out of 2,009 physicians who graduated from North Carolina-based residency programs, fewer than half stayed in the state, and only 65 of them (3 percent) were practicing in rural areas. "This is a legislature that wants to know the return on investment, and the data show it's really low," Fraher said.

Lawmakers focused on what incentives could draw new doctors to rural practices, and they heard multiple presentations on loan repayment programs meant to induce people to move to rural areas. "We know that debt makes a difference," AHEC director Warren Newton told lawmakers in February. "If people have high levels of debt, they're much more likely to go (to rural areas), if we give loan repayment that can help." Maggie Sauer, who heads the state's Office of Rural Health, said she has staff who go out into communities to meet medical students and work with residency programs of all types to get people into rural residencies. And her office also administers a plethora of state and federal loan repayment programs and helps place foreign medical graduates in about 30 residency slots per year around the state.

In the end, what works best is to recruit students who actually grew up in rural areas, preferably in North Carolina, and who have family ties to draw them back home. And lacking that, training people closer to rural areas, at what Newton called "attractive practices," can keep them there. "We know that if you do training in community settings in the medium-sized hospitals, you're much more likely to get docs in the right place," Newton said. He, Fraher, Holmes and others all noted that the solution to the state's rural health needs would not be an easy -- or quick -- fix. (Rose Hoban, NC HEALTH NEWS, 3/02/18)

## **Death Row Cases**

The North Carolina Supreme Court has agreed to consider whether three death row inmates from Fayetteville-area homicides will get another chance to commute their sentences to life without parole, the North Carolina Coalition for Alternatives to the Death Penalty said on Friday. The inmates were three of four death row inmates who in 2012 used the North Carolina Racial Justice Act to persuade Cumberland County Superior Court Judge Greg Weeks that racism tainted the selection of the juries in their trials -- he concluded blacks were illegally blocked from serving on the juries. Weeks commuted the four inmates' death sentences to life in prison without parole. The state Supreme Court in 2015 overturned Weeks' decisions and referred their cases back to Superior Court.

In January 2017 Superior Court Judge Erwin Spainhour rejected the four inmates' Racial Justice Act claims. Now the state Supreme Court is going to consider whether Spainhour's ruling was erroneous for three of the four inmates. If the Supreme Court rules in the inmates' favor, they could get new hearings to assess whether their trials were biased by racism.

The Racial Justice Act was enacted in 2009 to address a history of institutional racism against racial minorities in North Carolina's court system. The law allowed death row inmates to attempt to commute their death sentences to life in prison. Nearly all of the state's condemned inmates, members of all races on death row, filed Racial Justice Act claims.

The legislature repealed the law in 2013 after the four Cumberland inmates got their death sentences converted to life in prison. In addition to addressing three of the four's claims, the coalition said, the Supreme Court is separately reviewing the Racial Justice Act claims of two other death row inmates. (Paul Woolverton, THE FAYETTEVILLE OBSERVER, 3/02/18)

## **Cursive**

Cursive handwriting is alive in North Carolina's elementary schools -- five years after state lawmakers required that students be taught what some advocates feared was becoming a long lost art. A new report approved Thursday by the State Board of Education shows that 62 percent of North Carolina's elementary schools say they're providing cursive instruction at least on a monthly basis. The report also shows that 94 percent of elementary schools say they're teaching students the multiplication tables at least weekly. A bill passed by state lawmakers in 2013 requires that public schools teach cursive writing so that students "create readable documents through legible cursive handwriting by the end of fifth grade." The "Back to Basics" law also says students in public schools are required to memorize multiplication tables.

"It is a law," said Rep. Pat Hurley, R-Randolph, who was the main sponsor for the law. "It is on the books, and it needs to be taught. Whoever is being taught should be given an opportunity to learn cursive." Hurley says her motivation was being surprised that the handwritten thank-you notes she received from a group of fourth-grade students were written in print and not cursive.

As part of last year's state budget, the state Department of Public Instruction was required to survey districts on how they're teaching cursive and multiplication tables. The report says that 6.5 percent of elementary schools have daily instruction in cursive handwriting for students in third through fifth grade. It's offered weekly in 41 percent of elementary schools, monthly in 14 percent of schools and occasionally in 38 percent of schools. (T. Keung Hui, THE NEWS & OBSERVER, 3/02/18)

## **Protester Cases**

Judge Carl Fox called attorneys for two Moral Monday protesters and the prosecutor on their cases back to court on Friday with more questions. Earlier in the week, Fox rejected arguments by two protesters who contended rules governing where people can go, what they can do and how much noise they can make inside the North Carolina Legislative Building were illegal. But he had not entered his official order.

On Friday, Fox told attorneys for Carol Anderson and Dale Herman, the Durham residents who challenged the constitutionality of the rules, that he still agreed that General Assembly members had the authority to delegate rulemaking to a Legislative Services Commission. But Fox said he had trouble with the part of the law that allows rules to be made with just the House speaker and Senate leader present, not a quorum of the 10-member commission. The cases of Anderson and Herman have brought an unusual request from lawmakers and their representatives.

Late last year, Paul Coble, head of the legislative services offices, sought to intervene in the criminal cases and sit alongside prosecutors. They contended the judge's decision could have an impact on the day-to-day operations of the General Assembly. Fox rejected their request, saying the prosecutors could represent their interests. Fox made clear that he was not interested in blocking the commission from handling day-to-day business if they needed to make decisions with less than a quorum that were not tied to criminal penalties. A quorum is a majority -- in this case, six members.

"What I'm saying is if you have 10 members of a commission, you can't have two deciding ... anything that involves criminal sanctions should require that there be a quorum," Fox said. Fox told Assistant District Attorney Nishma Patel that he wanted to see the legislative record for the building rules at the crux of the case. If the record was missing or not provided, Fox said he would presume that a quorum was not present and dismiss the case against the protesters.

Coble was at the hearing on Friday in which Fox outlined details of his order.

After the hearing, Coble said he did not know whether the full commission, a quorum or smaller group approved the 2014 amendment to the rules, but he planned to research the record. The cases could have implications for other protesters, including the Rev. William J. Barber II, the former NAACP leader and architect of the Moral Monday protest movement that led to more than 1,000 arrests. (Anne Blythe, THE NEWS & OBSERVER, 3/02/18)

## **Arming Teachers**

State Superintendent Mark Johnson is asking teachers whether or not they would like to be armed. So far, most say no. Johnson sent an informal, online poll in an email to all of the about 100,000 public school teachers across the state Thursday morning and received more than 19,000 responses in the first 24 hours. Under a North Carolina law, it is illegal for a person to carry a gun, open or concealed, on educational property unless he or she qualifies as emergency personnel or law enforcement. However, debate over arming teachers has fired up locally and nationally following recent school shootings and President Trump's endorsement of the idea.

Johnson has come out against arming teachers, saying they have enough on their plate, but that he'd like to see more funding for school resource officers. Johnson said as much publicly after the mass school shooting in Parkland, Florida, and reiterated the statement in a video message to teachers that accompanied the poll. "It was really important for us to let teachers know what my opinion is, but that we really want to hear from them," Johnson said.

The Department of Public Instruction has shared the preliminary results of the poll. The poll asked whether the teacher would personally like to carry a firearm to school. The majority of teachers, right at two-thirds, said they would not want to carry a gun to school. Less than a quarter said they would like to carry a firearm. About 10 percent said they are not sure. Johnson said the poll, though not scientific, can add to a conversation about policy around school safety. He said that input from



teachers would be relevant for budget discussions and in conversations that will take place when the newly appointed joint legislative committee on school safety begins to meet.

The N.C. Educator Perspectives Poll is a tool that Johnson and the Department of Public Instruction occasionally use to gain insight on teachers' opinions. This was the fifth survey Johnson has sent via email. DPI spokesman Drew Elliott said the poll about arming teachers drew by far the largest response, more than twice the response of the next-most popular poll. "This one was just really timely subject matter," Elliott said. DPI staff expect to leave the poll open through the end of the school day on Monday.

The Daily Reflector last week asked members of the Pitt County Board of Education, which oversees policy for 24,000 students at 37 public schools, whether they would support the idea. Of the seven members interviewed, six said they are against it, citing concerns over training, the teachers' own safety and distractions from their job: educating students. Attempts to reach two board members, Benjie Forest and Anna Barrett Smith, were not successful. "More guns is not the answer, and our teachers are not trained," board member Caroline Doherty said.

On Wednesday, a Georgia high school teacher was arrested after he locked himself in his classroom and fired at least one shot. Videos of frenzied students running out of the school flooded social media. The situation gave staunch opponents to arming teachers more reason to oppose the measure. (Liz Schlemmer, WUNC RADIO, 3/02/18 and Brian Wudkwyh, THE (Greenville) DAILY REFLECTOR, 3/04/18)

## **GenX Contamination**

So far, nobody knows whether GenX may have been contaminating crops and livestock for years around the Chemours plant, where the compound is made. The potential harm of GenX in humans isn't known; it has been linked to several forms of cancer in animal studies. The compound is used to make nonstick cookware and other products. The state started investigating Chemours in June after the Wilmington StarNews reported that researchers had published information the previous year that showed the compound had been found in the Cape Fear River. The company agreed to stop discharging GenX into the river, but the chemical has since been discovered in more than 280 private wells around the plant, including more than 150 at levels above the state's provisional health goal. It also has been found in two lakes near the plant and a creek.

Last month, state officials announced GenX has been detected in rainwater around the Chemours plant, lending weight to investigators' belief that the compound has been airborne around the facility and raising the possibility that it might have found its way into crops grown in the area. In addition to private gardens and produce for roadside stands, corn and soybeans are prominent in fields around the plant. Officials with the North Carolina Cooperative Extension say they don't have much information about GenX and the potential contamination of crops.

Lisa Childers, director of the Cumberland County Extension office, said staff there have not received many requests for information about the compound. "We stand ready to help concerned farmers and other people with questions on this topic, but can't provide any information or guidance until the state or federal agencies collect and analyze the appropriate samples and provide the health interpretation for us," she said.

W. Gregory Cope, a professor of applied ecology and environmental toxicology at N.C. State University, said the school refers questions on GenX in crops to the state Department of Environmental Quality or Department of Health and Human Services. "We really can't provide any guidance or information on that until state and federal agencies collect and analyze those samples and, more importantly, interpret what those data mean," he said.

So far, no state or federal agency is specifically looking at whether there's GenX in the crops around Chemours. Without tests of the produce, it's impossible to know whether there's enough of the chemical in the vegetables to be harmful. But previous research of compounds similar to GenX

indicates that fears might be well-founded. Cobey Culton, a DHHS spokesman, said state officials do not have information about how GenX may be taken up into crops. Limited information is available about similar compounds, known as per- and polyfluoroalkyl substances and more commonly called by their PFAS acronym, he said. "We do know that PFAS can be taken up into plant tissue, but PFAS levels in crops vary based on many factors, including crop type, PFAS chain length, soil type and other environmental factors," Culton said. (Steve DeVane, THE FAYETTEVILLE OBSERVER, 3/03/18)

## **Atrium Lawsuit**

Carolinas HealthCare System, recently rebranded Atrium Health, is the target of a new class-action lawsuit alleging anti-competitive conduct and high payments for thousands of patients. The suit comes on the heels of a similar civil antitrust lawsuit filed by the Department of Justice in 2016. That case is ongoing. Both complaints allege that CHS uses its market dominance to negotiate unlawful contracts that prevent insurance companies from offering lower-cost alternatives to patients.

The class-action lawsuit potentially involves tens of thousands of patients who have stayed overnight in a Carolinas HealthCare System hospital over the past four years and reads in part: "As a direct result of CHS's anti-competitive conduct, inpatient consumers are forced to pay above-competitive prices for co-insurance and other direct payments to CHS." Atrium Health responded to the lawsuit by saying that it "neither violated any law nor deviated from accepted healthcare industry practices for contracting and negotiation. We believe this case is without merit and look forward to presenting our position in court."

Legal experts said it's possible this latest lawsuit never sees the inside of a courtroom and said settlements are common in cases like this one, especially with legal pressure also coming from the Justice Department. The class-action lawsuit was filed by Charlotte-based Dozier Miller Law Group. (Paul Boyd, WSOC NEWS, 3/01/18)

## **Medicaid Broker**

The North Carolina Department of Health and Human Services on Friday released a request for proposal for independent enrollment broker services that will help beneficiaries enroll in the North Carolina Medicaid and NC Health Choice managed care programs, scheduled to launch July 1, 2019. The selected independent enrollment broker will help beneficiaries and their families understand Medicaid managed care, including choosing a health plan and primary care physician that is best for their personal situation. Enrollment broker services will be available to new beneficiaries and current beneficiaries who are transitioning from the current fee-for-service structure into managed care. (NEWS RELEASE, 3/02/18)

## **Police Beating**

Police waited five months to request a criminal probe into an officer's beating of a man police accused of jaywalking, a delay that all but ensured the SBI would rule out launching an investigation of its own, that state agency has said.

Asheville Police Chief Tammy Hooper responded Saturday to the N.C. State Bureau of Investigation's reasons for not taking the case, saying it wasn't unusual to not start a criminal investigation immediately. But Hooper acknowledged "in hindsight" it would have been better to begin looking into criminal charges sooner against the officer, Chris Hickman. After a complaint about the Aug. 24 beating incident, the Asheville Police Department proceeded at once with a noncriminal internal investigation into whether Hickman should be fired, a police timeline said. In doing so, APD consulted with a staffer in the city attorney's office and Assistant City Manager Jade Dundas, Hooper said Saturday, indicating that at least two city officials outside APD knew of the event.

In her explanation of the handling of the case, Hooper said she asked the SBI to investigate, but was declined with no reason given. An SBI spokeswoman gave that explanation Friday, saying the request did not come until mid-January, making it too late for the agency to investigate, as it often would when a local officer's action could prove criminal. "Typically, if an agency suspects criminal

behavior on the part of an employee, the SBI is called to investigate immediately," bureau spokeswoman Patty McQuillan said in an email. "Internal investigations, by law, would not be available to the SBI. Witness interviews would not be fresh and other avenues to collect evidence in the case would not be available due to the lapse in time."

FBI agents in January questioned a man beaten by a city police officer, raising questions about the likelihood of a federal civil rights investigation. Agents from the Charlotte office of the Federal Bureau of Investigation in late January interviewed city resident Johnnie Jermaine Rush about his encounter with Asheville police officer Chris Hickman, Rush said.

In now widely viewed footage captured by his body camera, Hickman, who is white, can be seen beating, shocking with a stun gun and choking Rush, who is black, following an Aug. 24 confrontation about jaywalking and trespassing. Rush, 33, had cut through the parking lot of a business that was closed for the day.

Asheville police opened a criminal investigation against Hickman Jan. 18, according to a memo obtained by the Citizen-Times. He resigned Jan. 5. FBI agents first called Rush to set up a Jan. 25 appointment, he said. "She (the agent) started explaining to me why they called me," Rush said. An FBI spokeswoman did not respond to an email and voicemail left Friday morning asking about the agency's involvement. It is unclear whether the agency has continued its involvement. (Joel Burgess, ASHEVILLE CITIZEN-TIMES, 3/03/18)

## **Prison Attack**

Two corrections officers were attacked at the Lanesboro Correctional Institution last week, according to an internal document obtained by WBTV and multiple sources familiar with the attack. According to the internal document obtained by WBTV, the two corrections officers were attacked by inmates using a weapon on February 20, 2018. Multiple sources familiar with the attack tell WBTV two inmates were involved in the attack and a third inmate tried to hide the weapon used in the attack. The sources with knowledge of the attack tell WBTV both employees were taken from the prison by ambulance. One of the corrections officers, sources said, required dozens of stitches.

A spokesman for the state's prison system responded to WBTV's request for comment to confirm our reporting late Thursday afternoon, after this story was published. Kenneth Lassiter, Director of Prisons, issued a statement but did not address why the incident was not included in the prison's daily report on the day it happened. "It's unfortunate that our two staff members were assaulted while carrying out their duties. This is an example of the increasing challenges our correctional officers face with the more violent inmate population," Lassiter said. "As we continue our efforts to improve safety in our facilities, we must be mindful that our correctional officers continue to face challenges while working daily to protect the public and preserve order within prison facilities."

Spokesman Jerry Higgins offered this explanation for why a WBTV photographer was made to stop recording and kicked off the prison property: "It is regrettable that the cameraperson was asked to leave prison property today, but had you called ahead or worked with the Communications Office, your request to videotape would have been accommodated," Higgins said. There is no state law prohibiting the shooting of non-drone video in publicly-accessible parts of prison property.

On Friday, Higgins told the Insider that "one of the officers went back to work the next day, while the other who received stitches is scheduled to return sometime next week." (Nick Ochsner, WBTV NEWS, 3/01/18)

## **Graham Funeral**

More than 2,000 people attended Billy Graham's funeral service Friday afternoon at the Billy Graham Library including President Trump and Vice President Pence. Jean Ford, Graham's sister, said she looks forward to meeting her brother in heaven. "On February the 21st, heaven came down and took my brother from me," Ford said. "One day, heaven will come down and take me, and I know what he



would want me to say today - is heaven is coming again and would like to take you also." Graham, who died at the age of 99 at his home near Asheville, will be buried next to his wife Ruth who died in 2007.

Former North Carolina governor Pat McCrory was among the attendees. "Individually, he reminded me that you need to be humble, you need to care and love for other people, and it's not about you," McCrory said. "It's about something greater than all of us. And his actions were even louder than his words. And, you know, there's no doubt Billy Graham was the most influential person to ever come from our state."

Pope Francis also reacted to Graham's death earlier Friday. In a statement, he offered his condolences to the Graham family. Archbishop Timothy Dolan of New York was also invited to attend today's funeral. "I am so honored that his family would have invited Catholic representation," Dolan said. "Billy was a bridge-builder, and listen -- back in the 19 -- late 40s and early 50s, to have welcomed Catholics, to embrace them, that wasn't always -- kind of -- blessed. He did it well."

Also in attendance, television host Kathie Lee Gifford and preacher Joel Osteen.

Graham's death has restarted the process of placing a larger-than-life statue of the famed evangelist in the U.S. Capitol. In an interview while in Asheville Thursday for an economic development announcement, Gov. Roy Cooper noted the 2015 law and said Graham "has meant so much in the lives of so many and he's lived the kind of life that he has preached."

Jeff Butler, chief of staff for 10th District U.S. Rep. Patrick McHenry, R-Lincoln, said winning approval for the change "shouldn't be any problem." People honored with statues must ordinarily have been dead for at least 10 years, but Butler said Congress has waived that requirement in the past and a request to do that in Graham's case is unlikely to be controversial.

States bear practically all of the expenses of having a new statue made and installed, but the architect of the Capitol and the joint congressional committee must approve a model of the statue and the final product. The statue being replaced is returned to the state that originally sent it. Cooper's letter does not say where Aycock's statue will go, only that it will be placed in accordance with state law.

The 2015 law says a seven-member committee was to be appointed by the N.C. House Speaker and state Senate leader to choose the sculptor, approve plans and identify a funding source for the Graham statue. No members were appointed after the law was adopted because Graham was still alive, said Joseph Kyzer, spokesman for N.C. House Speaker Tim Moore. He said discussions have begun as to who should now be chosen. (David Boraks, WFAE RADIO and Mark Barrett, ASHEVILLE CITIZEN-TIMES, 3/02/18)

## **Durham Town Hall**

The Durham delegation of the N.C. General Assembly held a town hall Thursday night, but only drew about a dozen people. It was held on a rainy night in East Durham with about a week's notice. N.C. Sen. Floyd McKissick, D-Durham, wasn't happy about it. He arrived at the Holton Career and Resource Center as the town hall was ending, and after N.C. Rep. Mickey Michaux, D-Durham, had to leave early.

McKissick said he objected to the date, time and location. The Durham Committee on the Affairs of Black People had its regular meeting at the same time, McKissick said. And he was teaching his Thursday evening class at Duke University Sanford School of Public Policy. And it was the N.C. Central University versus N.C. A&T State University basketball game that night, first women's, then men's teams. Sen. Mike Woodard, D-Durham, who sent out the town hall announcement, said that the delegation talked among themselves to choose a date and that he has missed town halls before. They'll have another one this summer after the next legislative session.

Even with the low turnout, Woodard, Rep. Marcia Morey, D-Durham, Rep. MaryAnn Black, D-Durham, Michaux and Rep. Robert Reives, D-Lee, spent an hour and a half talking about the recent General Assembly session and what they plan to do in the short session that starts in May. Lisa Sorg of NC Policy Watch moderated the discussion. Durham's state legislators are all Democrats. While each talked about what they want in the next session, they said a lot of it would be playing defense against the Republican legislators.

Black wants to focus on healthcare. Woodard wants to keep up the automatic voter registration bill he introduced. Morey and Michaux both want to make sure the judicial districts aren't redrawn unfairly and would like sensible gun control legislation. "You got a lot of folks over there bought and paid for by the National Rifle Association," Michaux said.

Reives' House District 54's new map extended his district in the upcoming election from Chatham County to include southern Durham. He is being challenged by Republican Jay Stobbs. Reives said that in Durham County and Chatham County, there is a need for rural broadband internet. Fielding an audience question about light rail funding, Michaux said the funding portion from the federal government "looks real paltry." Both he and Woodard said there would need to be public/private partnership funds as part of light rail in Durham. Woodard said that the General Assembly's work in the short session would "almost guarantee you'll get a teacher pay raise. You know why? Because it's an election year." (Dawn Baumgartner Vaughan, THE DURHAM HERALD-SUN, 3/02/18)

## **Well Testing**

Through a \$667,000 grant from the Centers for Disease Control and Prevention, county public health workers were able to partner with UNC Charlotte to help improve Gaston County well services. Every Sunday, students from various science and health programs at the university go door to door to different communities within Gaston County to collect samples from wells as part of a paid internship. Sabahat Siddiq, who graduated from UNC Charlotte last May, said that helping out with the program has taught her a lot about the county she's lived in for the past 15 years. The Healthy Well program started in 2015 and will run into 2020. The well sampling part of the program started last October. Samantha Dye, who heads the Healthy Wells program for the county's health department, said that about 40 percent of Gaston County residents use a well for water. "Of course there might be more people with wells because we only calculate the ones that are registered," she said. "We want to use this as a way to start spotting trends in the area," said Dye. "We can figure out what side of town has what in it." (Demetria Mosley, GASTON GAZETTE, 3/04/18)

## **Rural Meetings**

County Commissioners, city managers, education professionals, business owners and others met in Lenoir and Jones counties last week to discuss issues facing rural counties. The meetings were part of a statewide effort by the NC Rural Center, an organization that advocates and lobbies for rural counties and rural interests. NC Rural Center president and CEO Patrick Woodie and John Coggin, NC Rural Center director of advocacy are nearing the end of an 80-county tour of the state to discuss the rural issue. Jones County was on Thursday and Lenoir on Friday were stops number 63 and 64 on that tour.

Information gathered at these meetings is meant to shape the way the center works with counties and lobbies legislators over the next year. "We are trying to change the narrative of what it means to live in a rural county," Coggins said at one of the meetings. "There's never been more focus from national media on rural communities. But when you see it, someone comes into town and shoots a picture of the most dilapidated building they can find, doesn't talk to anybody and writes about how urban is the future and rural is dying so turn the lights off as you leave -- and that is not the truth."

Many of the challenges mentioned in the Lenoir and Jones meetings were not unique, Woodie said. Everything from aging infrastructure, lack of quality, affordable housing and access to health care has been a primary issue in every county the pair has visited so far. Still, no issue seems to have been as big as that of broadband internet access. The internet access issue is "one for our time," that

expands across the state according to Coggins.

The access issue also expands to Lenoir County. Once outside the Kinston city limits, access to the internet drops off, while the price for some internet connections sharply increases. In some areas, internet access still isn't an option at all.

Still, it's not all bad news. Coggins said he was impressed with Kinston's efforts to expand and revitalize downtown by encouraging small business owners to move in. "If we can find ways to support them to be successful and think about how they can contribute to the community as a whole -- with housing, education and healthcare -- I think that can be a really big advantage for the city," he said. (Dustin George, THE (Kinston) FREE PRESS, 3/02/18)

## **Security Volunteers**

Wilkes County Sheriff Chris Shew said Thursday that a program allowed by state law that brings armed security volunteers with arrest powers into the public schools isn't feasible in its current form. "Right now, it isn't doable. For one thing, I'm not aware of any training that is available that would meet the requirements of the statutes," said Shew, adding that policies and procedures would need to be established and implemented.

He also cited issues involving insurance, equipment costs and finding enough qualified volunteers. Shew was referring to the "Volunteer School Safety Resource Officer (SRO) Program," authorized in state budget legislation approved in 2013 and identified as an option last week by House Speaker Tim Moore soon after he announced his establishment of a bipartisan legislative committee on school security improvements following the Feb. 14 mass shooting at a high school in Parkland, Fla.

The Wilkes County commissioners talked about having armed security teams at the Wilkes schools in their Feb. 20 meeting as a result of conversations between Shew and Commission Chairman Gary Blevins and between Shew and Commissioner Eddie Settle earlier that day. Shew said he learned more about the volunteer SRO program since then. "I'm for doing whatever we can do (to make the schools safer), but this is impossible right now. I would just as soon someone else do the pilot program and if it is successful, I am all in."

Shew was referencing Rockingham County Sheriff Sam Page, who is interested in implementing the volunteer SRO program and would be the first in the state to do so. Page said in an interview with WXII in Winston-Salem that there are many questions that need to be addressed first. Shew said the best option for improving security in the Wilkes schools is to provide funds for hiring more full-time Wilkes Sheriff's Office deputies to work as SROs. There currently are four SROs--one apiece at East Wilkes, West Wilkes, North Wilkes and Wilkes Central high schools and the middle and elementary schools associated with each high school. Wilkes County government funds these positions. Shew recommended hiring enough SROs to also have one apiece at each of the four Wilkes middle schools. He said the cost would be about \$100,000 apiece for salary, benefits and all new vehicles and other new equipment, but this could be reduced by using some existing equipment.

Eddie Caldwell, executive director of the N.C. Sheriff's Association said sheriffs in the association didn't think the volunteer SRO program was feasible when it was presented in 2013 because of the training and other issues. "The training that would be required hasn't been designed because no one has tried this.... We feel having fully trained and certified law enforcement officers is the best option. Anything less would be substandard," said Caldwell, adding that volunteers could be difficult to supervise. He said there are questions about how volunteer SROs would handle the variety of situations that full-time deputies working as SROs now face. (Jule Hubbard, WILKES JOURNAL-PATRIOT, 3/02/18)

## **Friday Storm**

The Coast Guard is warning mariners that 70 cargo containers fell off of a cargo ship Saturday night, about 17 miles off Oregon Inlet, North Carolina. The cargo ship Maersk Shanghai told the Coast

Guard by radio that they lost approximately 70 to 73 cargo containers due to high winds and heavy seas, according to a Coast Guard release. The Coast Guard urges all mariners to travel the area with caution.

The North Carolina Department of Transportation has closed N.C. 12 on Hatteras Island from Bonner Bridge south. The ocean has washed over the highway at several locations, according to the agency. Officials with the Cape Hatteras National Seashore are cautioning against driving or walking on the beaches. Hazardous debris, including the containers, could wash ashore or be uncovered. (Jeff Hampton, THE VIRGINIAN-PILOT, 3/04/18)

## **Championship Sign**

It turns out the highway sign celebrating the UNC-Chapel Hill basketball championship that went missing from its posts along Interstate 40 last month didn't go all that far. The green sign with white letters was found Thursday in the weeds beside the North Harrison Avenue ramp onto eastbound I-40, less than 100 yards from where the N.C. Department of Transportation had erected it. In addition to being unmoored from its wooden posts, the sign had "some spray paint damage," said NCDOT spokesman Steve Abbott. NCDOT has not decided yet what to do with the sign, Abbott said.

The sign was one of eight that NCDOT put up around the state to mark the 2017 national championship for the Tar Heels. The state Board of Transportation approved a request for the signs from UNC, which chose the locations and paid \$2,000 a piece for them. Most of the signs were put up along interstate highways where people enter North Carolina.

The Cary sign rankled fans of the rival N.C. State University Wolfpack, which plays its home games in PNC Arena about three miles away. UNC's arrangement with NCDOT would allow the signs to remain up for no more than two years, but the Cary sign lasted about a week. After a week passed with no reports of its whereabouts, NCDOT sent a couple of workers out to look around the North Harrison Avenue exit. They found it Thursday afternoon. "Presumably it was cut or chopped down and then carried a bit and just tossed," Abbott said. He said there aren't any suspects in the sign's disappearance and vandalism. One clue: The spray paint was red and white. (Richard Stradling, THE NEWS & OBSERVER, 3/02/18)

## **Alligator Season**

For the first time since 1973, hunting alligators is now legal in North Carolina. With several provisions, the North Carolina Wildlife Resource Commission has approved a limited take of the American alligator. The Alligator Management Plan was introduced to combat increased human-alligator interactions, which have been on the rise particularly in southeastern North Carolina. In New Hanover County where development of its natural habitat is constant, the American Alligator has been on N.C. WRC's radar this year. Though the N.C. WRC received over 611 emails opposing the take of alligators, it approved a limited hunting season, from Sept. 1 through Oct. 1, during its meeting Thursday. Only one gator is permitted per permittee, with specifications on how to kill the animal. "Alligators could only be taken using hand-held ropes or catch poles; hand-held or rod/reel snatch hooks; harpoons or gigs with attached restraining lines; baited, wooden pegs less than 2-inches in length attached to hand-held restraining lines; archery equipment with arrow-attached restraining lines," the new regulation states. (Johanna Ferebee, PORT CITY DAILY, 3/01/18)

## **Hunting Season**

The hunting public spoke up loud and clear: Don't take our Thanksgiving Day deer hunting away. In response to heavy hunter opposition to changing the time-honored mountain tradition of hunting deer with guns during Thanksgiving week, the N.C. Wildlife Resource Commission dropped its proposal to change the season dates. Earlier this year the commission held public hearings across the state on proposed rule changes, which included moving the opening season of black powder, or muzzleloading, from the beginning of October to the Saturday before Thanksgiving, and shortening the season from two weeks to one.



It also called for establishing the opening of western gun season for deer the Saturday after Thanksgiving and last for six weeks, closing the first Sunday in January. For as long as many can remember, gun season for deer always started the Monday before Thanksgiving. That chance to bag some venison for the big feasting day will remain. The Wildlife Commission voted Wednesday to retain the traditional dates.

There was overwhelming opposition at the hearing in Clyde for District 9, which encompasses much of Western North Carolina. Nearly two-thirds of the comments received were opposed to changing the western deer hunting season, with 183 comments against and 60 in favor of the proposal. Across the state, 855 people opposed the changes, with many citing Thanksgiving Day and week as a traditional time for youth hunting. The original proposals were made to improve the health of the deer herd, said David Cobb, wildlife management division chief.

The proposals also included lengthening black bear season in the mountains and opening it two weeks earlier, on Oct. 1 rather than mid-October to account for the overlap with deer season. Because the deer season has not changed, the bear season will not change, Briggs said. Commissioners also voted to implement a statewide bag limit of two antlered and four antlerless deer. (Karen Chávez, ASHEVILLE CITIZEN-TIMES, 3/02/18)

## Legislative Studies and Meetings

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Items in **RED** are new listings.

**LB:** Legislative Building

**LOB:** Legislative Office Building.

More Information: <http://ncleg.net/LegislativeCalendar/>

### **Monday, March 5**

- 8:45 a.m. | House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, 4800 Hangar Road, Charlotte.

### **Tuesday, March 6**

- 9 a.m. | Task Force on Sentencing Reforms for Opioid Drug Convictions, 423 LOB.
- 10 a.m. | The Joint Legislative Education Oversight Committee, 643 LOB.
- **1 p.m. | Joint Legislative Administrative Procedure Oversight Committee, 544 LOB.**
- 1 p.m. | The Joint Legislative Commission on Energy Policy, 643 LOB.

### **Wednesday, March 7**

- 10 a.m. | The Joint Legislative Oversight Committee on Unemployment Insurance, 544 LOB.
- 10 a.m. | Child Fatality Task Force Full Meeting, 1027/1128 LB

### **Thursday, March 8**

- 9 a.m. | The Joint Legislative Oversight Committee on Information Technology, 544 LOB.
- 9 a.m. | The Joint Legislative Transportation Oversight Committee, 643 LOB.
- 1 p.m. | The Joint Legislative Economic Development and Global Engagement Oversight Committee, 643 LOB.

### **Tuesday March 13**

- 9 a.m. | The Joint Legislative Oversight Committee on Health and Human Services, 643 LOB.

- **1 p.m. | The Joint Legislative Oversight Committee on Medicaid and NC Health Choice, 643 LOB.**
- 1 p.m. | The Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, Pine Knoll Shores Aquarium.

#### **Thursday, March 15**

- 1 p.m. | The Joint Legislative Task Force on Education Finance Reform (2017), 544 LOB.

#### **Monday, March 19**

- **2 p.m. | House Select Committee on Disaster Relief, 544 LOB.**

#### **Monday, March 26**

- 10 a.m. | The Joint Legislative Program Evaluation Oversight Committee, 544 LOB.

#### **Wednesday, March 28**

- **12 p.m. | The Committee on Intellectual and Developmental Disabilities (LRC)(2017), 544 LOB.**
- 1 p.m. | House Select Committee on Implementation of Building Code Regulatory Reform, 1228/1327 LB.

### **N.C. Government Meetings and Hearings**

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Items in **RED** are new listings.

#### **Monday, March 5**

- 6 p.m. | The N.C. Division of Marine Fisheries will hold a public hearing on proposed shellfish leases in Dare County, N.C. Division of Marine Fisheries office at 1021 Driftwood Dr., Manteo.

#### **Tuesday, March 6**

- 10 a.m. | The Department of Health and Human Services/Secretary holds public hearing on proposed rule changes, Dorothea Dix Park, Williams Building, Room 123B, 1800 Umstead Dr., Raleigh.
- 11:30 a.m. | The Industrial Hemp Commission will hold a public meeting via telephone conference call. Contact: 669-900-6833.

#### **Tuesday, March 13**

- **12:30 p.m. | The N.C. Pesticide Board meets, Gov. James Martin Building, NC State Fairgrounds, Raleigh.**
- 6 p.m. | The N.C. Division of Marine Fisheries will hold a public hearing on proposed shellfish leases in Carteret County, N.C Division of Marine Fisheries' Central District Office, 5285 Highway 70 West, Morehead City.

#### **Friday, April 6**

- **10:30 a.m. | The state Division of Employment Security holds public hearing on proposed rule changes, North Carolina Department of Commerce, Division of Employment Security, Room A-502, 700 Wade Ave., Raleigh.**

## **Tuesday, April 24**

- 9 a.m. | The state Appraisal Board holds public hearing on proposed rule changes, North Carolina Appraisal Board, 5830 Six Forks Road, Raleigh.

## **UNC Board of Governors**

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Board Room of the UNC Center for School Leadership Development  
140 Friday Center Drive, Chapel Hill (**remote meeting locations in RED**)  
More Information: <https://www.northcarolina.edu/bog/schedule.php>

## **Friday, March 23**

- TBA | UNC Wilmington, Wilmington.

## **Friday, May 25**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

## **N.C. Utilities Commission Hearing Schedule**

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Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina  
More Information: <http://www.ncuc.commerce.state.nc.us/activities/activit.htm>

## **Monday, March 5**

- Staff Conference

## **Tuesday, March 6**

- 10 a.m. | G-40 Sub 145 ...Petition for Annual Review, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

## **Monday, March 12**

- Staff Conference
- 1 p.m. | E-2 Sub 1149 ...Complaint of Fresh Air XXIV, LLC, Fresh Air XXIII LLC and Fresh Air XXXVIII, LLC, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

## **Monday, March 19**

- Staff Conference

## **Monday, March 26**

- Staff Conference

## **Other Meetings and Events of Interest**

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Items in **RED** are new listings.

### **Monday, March 19**

- TBD | The N.C. Chamber hold annual meeting, Raleigh Marriott Crabtree Valley, 4500 Marriott Dr, Raleigh.

### **Monday, June 11**

- 12 p.m. | Candidate filing for Soil & Water Conservation District Supervisor begins, local county Board of Elections.

### **Monday, June 18**

- 12 p.m. | Candidate filing for all Judicial Offices begins, N.C. State Board of Elections & Ethics Enforcement, 430 N Salisbury St, Raleigh.

### **Friday, June 29**

- 12 p.m. | Candidate filing for all Judicial Offices ends, N.C. State Board of Elections & Ethics Enforcement, 430 N Salisbury St, Raleigh.

### **Friday, July 6**

- 12 p.m. | Candidate filing for Soil & Water Conservation District Supervisor ends, local county Board of Elections.

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#### **Insider State Government News Service**

P.O. Box 191, Raleigh, N.C. 27602-9150

Customer Service (919) 836-2807

Legislative Office (919) 832-8358

[www.ncinsider.com](http://www.ncinsider.com)

Colin Campbell, Editor ([ccampbell@ncinsider.com](mailto:ccampbell@ncinsider.com)) - (919) 829-4698

Lauren Horsch, Insider Reporter ([lhorsch@ncinsider.com](mailto:lhorsch@ncinsider.com)) - (919) 836-2801

Matthew Betts, Customer Service Manager ([mbetts@ncinsider.com](mailto:mbetts@ncinsider.com)) - (919) 836-2807

Graham Hoppe, Production Editor ([ghoppe@ncinsider.com](mailto:ghoppe@ncinsider.com)) - (919) 829-8951

Clifton Dowell, General Manager ([cdowell@ncinsider.com](mailto:cdowell@ncinsider.com)) - (919) 836-2804

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